

Comments on Statement of Reasons for Allowance

The Applicant submits the following comments in response to the Examiner's Statement of Reasons for Allowance set forth in the Notice of Allowability mailed on December 2, 2008.

The Examiner made the following statement in paragraph 3 on page 2 of the Notice of Allowability.

Claim 1 is drawn to a peristaltic pump having a rotor which directly squeezes a tube race which in turn indirectly squeezes the tube in the tube race. While Iles '383 discloses a peristaltic pump with tube guides it doesn't however disclose a tube race placed between the rotor and the tube to indirectly pump the fluid. More importantly, Iles '383 does not teach a tube exiting and reentering a single tube race which comprises occluding surfaces that can be compressed by a single pump rotor. Thus In [sic] the examiner's opinion, it would not have been obvious to a person of ordinary skill in the art to introduce a plastic tube which exit [sic] and reenters a single tube race, the race comprising occluding surfaces that are compressed by a single rotor.

Some of the Examiner's comments describing features of the Applicant's claimed peristaltic pump as set forth in Claim 1 are not accurate as written. More specifically, Claim 1 is directed to a "tube holder for use with a peristaltic pump". Claim 1 does not require that the Applicant's claimed tube holder have a rotor that directly squeezes the tube race or that the tube race indirectly squeezes the tube. Further, Claim 1 does not require that the occluding surfaces of the tube race can be compressed by a rotor. Claim 1 recites that the tube race has occluding surfaces "against which" parts of the tube can be compressed when the tube holder is used in a peristaltic pump. The Examiner correctly notes that Iles '383 does not teach a tube exiting and reentering a single tube race.

The Examiner also stated reasons for allowance of Claims 23 and 28 in which the Examiner referred to the same reasons as stated for Claim 1. To the extent that the Examiner's reasons for allowance of Claims 23 and 28 incorporate the inaccuracies of the statement relating to Claim 1, the Applicant notes that neither Claim 23 nor Claim 28 requires a tube holder in which a rotor directly squeezes the tube race or that the tube race indirectly squeezes the tube. Moreover, neither Claim 23 nor Claim 28 requires that the occluding surfaces of the tube race can be compressed by the pump rotor.

CONCLUSION

It is respectfully requested that the foregoing comments be entered in the file of the present application.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation
Attorneys for Applicant

By Vincent T. Pace
VINCENT T. PACE
PTO Registration No. 31,049

Tel.: 215-563-4100
Fax: 215-563-4044
e-mail: vp@ddhs.com